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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 JOSE MARTIN REYES, *et al.*,

12 Plaintiffs,

13 v.

14 ALLSTATE NORTHBROOK INDEMNITY
15 COMPANY,

16 Defendant.

Case No. 1:25-cv-0568 JLT CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE,
TERMINATING THE MOTION TO DISMISS
AS MOOT, AND DIRECTING THE CLERK
OF COURT TO CLOSE THIS CASE

(Docs. 7, 12)

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18 Jose Martin Reyes and Paulina Reyes, proceeding pro se, initiated this action by filing a
19 complaint against Allstate Northbrook Indemnity Company in Kern County Superior Court, Case No.
20 BCV-25-100333. (Doc. 1.) Defendant removed the action to this Court on May 14, 2025. (*See id.*)
21 Defendant filed a motion to dismiss on May 21, 2025. (Doc. 7.) Plaintiffs did not respond to the
22 motion. The assigned magistrate judge ordered Plaintiffs to show cause why sanctions, including
23 dismissal, should not be imposed. (Doc. 12.) The Court also informed Plaintiffs that their failure to
24 respond to the Court “may result in the recommendation that this action be dismissed for a failure to
25 obey the Local Rules and failure to prosecute.” (*Id.* at 3, emphasis omitted).)

26 After Plaintiffs again failed to respond to the Court, the magistrate judge found Plaintiffs failed
27 to prosecute in the action. (Doc. 12 at 1-2.) In addition, the magistrate judge determined Plaintiffs
28 “failed to comply with the Court’s orders and Local Rules.” (*Id.* at 3.) The magistrate judge found

1 terminating sanctions were appropriate after considering the factors identified by the Ninth Circuit in
2 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). (*Id.* at 3-4.) Therefore, the magistrate judge
3 recommended the dismissal “without prejudice for Plaintiffs’ failure to prosecute this action and to
4 comply with the Court’s orders and Local Rules.” (*Id.* at 4.)

5 The Court served the Findings and Recommendations on Plaintiff and notified them that any
6 objections were due within 14 days. (Doc. 12 at 4.) The Court advised Plaintiffs that the “failure to
7 file any objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.*
8 at 4-5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiffs did not file
9 objections, and the time to do so has passed.

10 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
11 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
12 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 13 1. The Findings and Recommendations issued on July 8, 2025 (Doc. 12) are **ADOPTED**
14 in full.
- 15 2. This action is **DISMISSED** without prejudice for Plaintiffs’ failure to prosecute this
16 action, failure to comply with the Court’s orders, and failure to comply with the Local
17 Rules.
- 18 3. Defendant’s motion to dismiss (Doc. 7) is terminated as **MOOT**.
- 19 4. The Clerk of Court is directed to close this case.

20 IT IS SO ORDERED.

21 Dated: July 28, 2025


22 Jennifer L. Thurston
23 UNITED STATES DISTRICT JUDGE

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